

MAR 18 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NCIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

MISC. NO. 1:11mc5

IN RE: ALLOCATION OF CRIMINAL AND CIVIL CASES FROM
THE ASHEVILLE, BRYSON CITY, AND SHELBY DIVISIONS
ORDER


The following case assignment allocations will be applied in the Asheville, Bryson City and Shelby Divisions and supercede all other prior orders as they may relate to these divisions. Unless specifically stated otherwise, these case assignment allocations are effective upon the entry of this Order.


1. All Asheville, Bryson City and Shelby Division criminal cases will be assigned to Judge Reidinger.
2. Any criminal case filed in these divisions in which Judge Reidinger must recuse himself due to a conflict shall be assigned first to **Judge Cogburn**, then to Judge Voorhees, then to Judge Whitney, and then to Chief Judge Conrad.
3. Judge Reidinger shall be assigned all civil cases from these divisions, except for death penalty cases which are the subject of a separate order.
4. Any civil case in which Judge Reidinger has a conflict shall be reassigned in the following order taking into consideration potential conflicts: Senior Judge Mullen, then to **Judge Cogburn**; and then to Judge Voorhees, then to Judge Whitney, and then to Chief Judge Conrad.
5. Judge Reidinger shall continue to be assigned all 28 U.S.C. § 2255 actions in which he was the presiding judge in the underlying criminal case. He shall also be assigned all 28 U.S.C. § 2255 actions in which Judge Thornburg was the presiding judge in the underlying criminal case.
6. Any case that is remanded for further proceedings pursuant to a mandate of the U.S. Court of Appeals for the Fourth Circuit in which Judge Thornburg was the presiding judge shall be assigned to Judge Reidinger.
7. **Chief Judge Conrad** shall be assigned all prisoner pro se cases filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases).

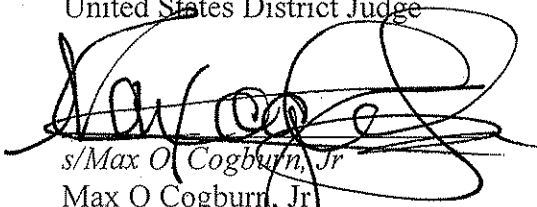
8. Non-consent civil cases are referred to Magistrate Judge Howell for all pretrial proceedings. Consent cases will be handled by Magistrate Judge Howell for all purposes and in all respects. Pretrial matters in criminal cases are referred to Magistrate Judge Howell.
9. **Judge Reidinger shall identify any other matters he was assigned from the Charlotte division draw which may be at Judge Reidinger's discretion reassigned to Judge Cogburn.**
10. The rules for allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order No. 3: 07-MC-61.

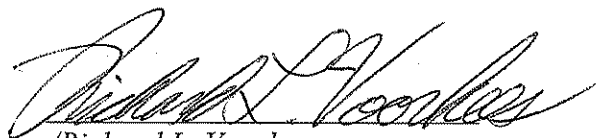
The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

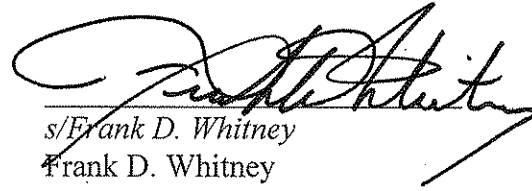
IT IS SO ORDERED, this 14th day of March, 2011.

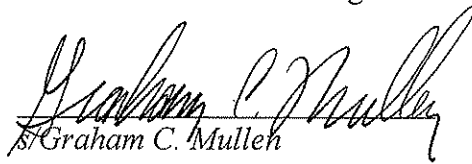

s/Robert J. Conrad, Jr.
Robert J. Conrad, Jr., Chief
United States District Court Judge


s/Martin Reidinger
Martin Reidinger
United States District Judge


s/Max O. Cogburn, Jr.
Max O. Cogburn, Jr.
United States District Judge


s/Richard L. Voorhees
Richard L. Voorhees
United States District Judge


s/Frank D. Whitney
Frank D. Whitney
United States District Judge


s/Graham C. Mullen
Graham C. Mullen, Senior
United States District Judge